

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MALIK LANGHAM,
Plaintiff,

v.

ANTONIO GRANZELLA, et al.,
Defendants.

Case No. [23-cv-02275-HSG](#)

ORDER TO SHOW CAUSE

Plaintiff Malik Langham filed this action on May 10, 2023, against Defendants Antonio Granzella, Joseph Dagnino, Sean Butler, and Kenton Dewald, all employees of the California Highway Patrol. *See* Dkt. No. 1. Plaintiff contends that Defendants conducted a traffic stop and improperly issued Plaintiff a ticket, handcuffed him, and towed his vehicle because he had a Florida rather than a California driver's license. *See id.* at ¶¶ 10–47.

Under Federal Rule of Civil Procedure 4(m), a plaintiff must serve each defendant with a summons and complaint within ninety days of filing the complaint. *See* Fed. R. Civ. P. 4(m). If a plaintiff fails to do so, the Court, on its own after notice to the plaintiff, “must dismiss the action without prejudice,” or order that service be made within a specified time. *Id.* On August 1, 2023, Plaintiff filed proofs of service purporting to reflect that Defendants were served. *See* Dkt. No. 10. As of the date of this order, however, Defendants have not appeared in this action. And in reviewing the proofs of service, Defendants do not appear to have been properly served. The proofs are virtually identical: All four Defendants appear to have been served by leaving the summons and complaint with someone named “Matthew Young.” *Id.* The proofs of service state that Mr. Young is a “clerk” and “is designated by law to accept service and process.” *Id.* Yet there is no explanation about who Mr. Young is, where he was served, or why Plaintiff—or his


process server—believes Mr. Young is designated by law to accept service on behalf of Defendants, all of whom are individuals, not entities.¹

Accordingly, the Court **ORDERS** Plaintiff to **SHOW CAUSE** why the case should not be dismissed for failure to serve Defendants as required by Rule 4(m). Plaintiff is directed to file his response, of two pages or less, by October 30, 2023.

Plaintiff is encouraged to seek assistance at the Legal Help Center, which provides free information and limited-scope legal assistance to pro se litigants. More information about the Legal Help Center is provided at <http://www.cand.uscourts.gov/legal-help>. Appointments may be scheduled either over the phone at (415) 782-8982 or by email at federalprobonoproject@sfbar.org.

IT IS SO ORDERED.

Dated: 10/2/2023


HAYWOOD S. GILLIAM, JR.
United States District Judge

¹ On September 15, 2023, the Clerk declined to enter default as to Defendants for similar reasons, explaining that the proofs of service were insufficient. *See* Dkt. No. 13.